



## City of Hampton, VA Meeting Minutes City Council

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

*W. H. "Billy" Hobbs, Jr.*

*Will Moffett*

*Chris Snead*

*Molly Joseph Ward, Mayor*

*Christopher G. Stuart*

*Donnie R. Tuck*

*George E. Wallace*

### *Staff:*

*Mary Bunting, City Manager*

*Cynthia Hudson, City Attorney*

*Katherine K. Glass, CMC, Clerk of Council*

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Wednesday, July 11, 2012

1:01 PM

Council Chambers, 8th Floor, City Hall

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### **CALL TO ORDER/ROLL CALL**

### **MOLLY JOSEPH WARD PRESIDED**

**PRESENT:** W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Donnie R. Tuck, George E. Wallace

**ABSENT:** Christopher G. Stuart

Mayor Ward welcomed everyone to the afternoon meeting. Councilman Stuart was not present at roll call; however, arrived at 1:02 p.m.

### **AGENDA**

1. 12-0282 Briefing from Thomas Nelson Community College

Mayor Ward introduced Thomas Nelson Community College (TNCC) Board Member Mr. Robert Harper.

Mr. Harper stated he was pleased to serve with City Attorney Cynthia Hudson as a Hampton representative on the TNCC Board. He then gave the following introduction to current President of TNCC Dr. John Dever: President Dever came to his profession from Kentucky where he earned his undergraduate degree at Bellarmine College located in Louisville, Kentucky. He received a master's degree in English from the University of Kentucky and a PhD in English from the University of Virginia. Last October, he began his tenure as the ninth President of TNCC. He came to TNCC from the Northern Virginia Community College in Annandale, Virginia where he served as Executive Vice President for Academic and Student Services. He started in the Community College field with TNCC in 1975 and served there for 20 years as Professor of English and Chair of the Communications and Humanities Division. From 1995-2000, he served as Dean of Instruction and Student Services at Blue Ridge Community College and later served as Vice President of Academics and Student Affairs at the local Tidewater Community College. He returned to TNCC in October of last year. His PhD is in English and his

special area of academic interest is Shakespeare, in particular history plays placed in the context of English reformation. He lives in Newport News, Virginia. He and his wife, Peggy, have two children and two grandchildren.

Mr. Harper stated he has come to appreciate Virginia's system of community colleges and what it does for our community. He said Hampton is a beneficiary of what TNCC stands for and how they serve our citizens and community as a whole. He stated we are fortunate to have a man of the quality, character and background of Dr. Dever President of Thomas Nelson.

Mayor Ward welcomed Dr. Dever.

Dr. Dever stated it was a pleasure to be present and noted that in addition to Mr. Harper, he is pleased to have Board Member Ms. Cynthia Hudson present. He noted hopefully she will keep Council apprised of what happens at the college. Board member Ms. Debra Reese was also in attendance. Dr. Dever indicated Board member Ms. Stephanie White was unable to attend the meeting; however, the support provided by all four members appointed by the City is appreciated, particularly for their active role in deliberations and activities that go on at the college. He then introduced Vice President of Finance and Administration Mr. Charles Nurnberger and Vice President for Institutional Advancement Ms. Cynthia Calloway, who were also in attendance.

Dr. Dever noted he hopes to be able to periodically update Council on the work of the college and address comments and questions of Council to ensure they are well connected with the local community.

Dr. Dever updated Council on the work of TNCC. We continue to serve the Peninsula through the two main components of our mission which are to provide the first two years of baccalaureate education for those students who come to us with the intention of completing those two years and transferring to a university, and to provide education and training for those seeking to directly enter or advance in the workforce. We do both of those things with a commitment to instructional excellence, to ready access for all who are able to benefit from higher education or training and to keeping costs affordable. We also carry out this mission with a strong conviction that our work benefits not only the individual, but also the larger community. It strengthens the social, economic, civic and cultural fabric of our community. We are all better off when everyone has the opportunity to realize his or her full potential for education and career advancement.

Dr. Dever referenced an editorial in the Daily Press which focused on making higher education more accessible and affordable. He read the following portion of that editorial. "Philosophical differences or not, one thing is clear – we need public universities willing to take a fresh look at addressing the demand for affordable post high school programs that better prepare today's students for the workforce. Affordable higher education is good economic policy. Mr. Carnevale of the Georgetown University Center on Education in the Workforce estimates that by 2025, the U.S. will need 20 million more two and four year college graduates. Without them, we will be unable to staff new businesses or make technological advances needed to compete in the global marketplace. Since the early 1980's, the demand for workers with some post high school learning has grown by 3% per year, but the supply of college graduates has grown by only 1% per year. We need not only college graduates, we need graduates with the skills to fill the projected openings in high growth sectors like life sciences,

technology, energy and healthcare. Some students may find a two year program or trade school can best supply this training."

Dr. Dever continued updating Council on the work of TNCC. As a whole, the college now serves over 16,000 credit students a year and over 10,000 students in non-credit workforce development. During the fall of the 2011 semester at all college locations, we enrolled 2,881 credit students who were residents of the City of Hampton. The college continues to have a very good working relationship with Hampton City Schools. We have partnered with them and Old Dominion University on a special "grow your own" initiative called First Steps that addresses the need for dedicated elementary and special education teachers. Twenty-four school system employees who wanted to become teachers were in this program and as a cohort proceeded to get an associate's degree from TNCC and now have moved on to ODU where they are completing their bachelor's degree and will get their credentials to become teachers in the Hampton City School System.

Dr. Dever stated more than 55% of General Educational Development (GED) graduates in a special program called Middle College come from the City of Hampton. This program is aimed at 18-24 year old students who did not get their high school diploma. We work with them to get their GED and college credits. Hampton City Schools have been the premier partner in our Middle College Program.

Dr. Dever announced that in the coming year, approximately 50 students from Hampton and Phoebus High School will be participating in the early college program. This program allows capable students to complete enrollment classes in the fall semester at their high school, and take courses on campus in the spring semester with an emphasis in Science, Mathematics and Social Science. We have a dedicated presence from both the school system and TNCC to orient them fully to the collegiate experience.

Dr. Dever noted we are very excited to be working with Hampton City Schools and Newport News City Schools on the same program. As a result of these programs, students have a significant leg up when they enroll at a community college or university and move on to complete their degree.

Dr. Dever stated their activities in workforce development are particularly important to the City of Hampton. It is the partnership between the college and the Hampton Industrial Development Authority (IDA) that made possible the construction of the first Workforce Development Center in Virginia that was a public/private partnership. This past October, we celebrated the 10th anniversary at the Peninsula Workforce Development Center (PWDC) located on the Hampton campus. Over 30,000 individuals each year are served through workforce training or job counseling services at the PWDC.

Dr. Dever listed various centers located at the PWDC as a conference center, technology lab, training class rooms, precision welding center, marine electrician training center, manufacturing excellence center, TNCC career center, the Virginia Employment Commission and the Peninsula Work League. He noted the Peninsula Work League is the comprehensive one stop service provided to the Peninsula Council for Workforce Development. He also noted he and Councilman Stuart work as representatives through that agency which does a lot for workforce development in our area. He then noted the

second floor of the PWDC provides the higher education center for Old Dominion University.

Dr. Dever stated TNCC works with many industries, businesses, contracting and construction companies that serve Hampton. He said they actively work with large and small companies to serve their needs to get the type of employees they need or to train them so they can advance in their respective fields.

Dr. Dever described some of the relationships TNCC has with various groups and organizations. Over 120 employees have gone through the TNCC Institute for Diversity and Inclusion since its initiation in 2010. The Institute is headed by Mr. John Johnson of the Hampton Citizens Unity Commission. Students that have attended the institute guided by Mr. Johnson and his associates have a transformational experience dealing with sensitive and important issues which make a difference not only within the life of TNCC, but also within the larger community. Additional organizations TNCC partners with include the Hampton Town and Gown Committee, Hampton University and the Hampton Arts Commission which is a supporter and partner with our Performing Arts Program.

Dr. Dever stated funding for TNCC comes from the General Fund provided by the State General Assembly and tuition and fees from students. Previously, the General Fund was approximately 2/3 of what was provided and students paid 1/3. Currently, those figures are switched with the General Fund providing approximately 1/3. The issue of affordability of tuition and fees remains very important; and therefore, the cities and localities we serve play an important role in the funding of the institution. This was part of the grand bargain developed in the 1960's when the then Governor founded the community college system and set it up as a system governed by the State Board for Community Colleges in close partnership with localities under the agreement that the localities would provide the land, land maintenance and improvements.

Dr. Dever stated we have a master plan and a capital outlay plan developed in conjunction with our College Board members. He added Mr. Nurnberger works closely with Ms. Bunting on the issues related to that funding. Dr. Dever thanked the City of Hampton for its contributions which help enable them to have the facilities they need to serve the students.

Dr. Dever stated the benefits provided by TNCC will be worth the investment to ensure the citizens of our communities have affordable access to opportunities for quality education and critical skills and training needed to succeed in the workplace of today and tomorrow.

Councilman Stuart noted Council serves with one of TNCC's most famous graduates, Councilwoman Chris Snead.

PRESENTED by Dr. John Dever, President of Thomas Nelson Community College. Dr. Dever was introduced by Robert Harper, one of Hampton's appointees to the Thomas Nelson Community College Board. Dr. Dever recognized the members of the Board, in addition to Mr. Harper, Cynthia Hudson and Debra Reese. He indicated that Stephanie White was unable to attend. He also

introduced staff members Charles Nurnberger and Cynthia Calloway.

2. 12-0297 Briefing on Strategic Plan Implementation Approach

Ms. Bunting stated Council, staff and the community have worked together to update the strategic vision for the community. The next step is to determine how to make sure it is implemented. She emphasized that this is a Strategic Plan not of the government but of the community, and is a driving document not just for us as a singular entity, but hopefully for the many entities that participated, including a host of non-profits, the school system, business partners, civic associations and individuals. She stated we will be a facilitator of information; however, we are not the only entity responsible for implementation. Instead, it is a community responsibility for implementation just as it is a community plan not a government plan. She introduced Community Development Department Director Mr. Terry O'Neill to brief Council on the structure used for implementation, oversight and reporting.

Mr. O'Neill greeted Mayor Ward and the Councilmembers and updated them on the status of the plan since the adoption of the document in the latter part of 2011. A copy of the presentation is attached to the minutes.

Mr. O'Neill elaborated on the two roles we as local government play which directly have an impact on how we move forward in implementing the plan as indicated on slides 4 and 5 of the presentation. (1) the convening role. All of the goals and strategies Council adopted in November and December of last year have been assigned to one or more of the Assistant City Managers or Department Heads that serve directly under the City Manager. Each member of the executive management team will be assigned a leadership role in making sure those objectives move forward. They will play a role in convening the appropriate community stakeholders and others who have resources or impact those outcomes to work in focus groups to develop strategies and ways of measuring our progress and to identify other partners and resources in our community that can be brought to bear to move those goals and strategies forward. (2) the reporting role. One of the central themes of feedback received from our focus groups was the urgency in the community for us to focus on getting things done in order to see tangible results in the community. Mr. O'Neill said the challenges are to gather the resources in the community to make that happen and we have not done a good job of communicating the success and progress we have made in the past. He noted that in response to this feedback, City staff generated a list of what had been done in the last 15 years which emanated from previous plans and people were shocked about the things that had come out of previous processes, which told us we had not done a good job of communicating the positive things.

In response to Vice Mayor Wallace, Mr. O'Neill replied he was not certain whether or not Council had received a copy of the list supplied to the focus groups. Ms. Bunting noted Council will be supplied with the list.

Mr. O'Neill stated the list is approximately two pages of prominent things in the community which directly came out of previous processes going back as far as 1990. He said we will need to figure out a better way to communicate this information.

Mr. O'Neill stated the Oversight Committee will be charged with helping to identify a means of reporting and communicating our progress to the community. They will also be asked to look at ways to identify other resources, assets and partners in the community. Additional information regarding the Oversight Committee and its responsibilities is listed on slides 6 and 7 of the presentation.

Mr. O'Neil reviewed the next steps in the process as indicated on slide 8 of the presentation.

Ms. Bunting noted we will actively work on as many of the strategies contained in the community plan as possible. She reiterated that government is not the only solution provider. She then stated many of the first reports to Council will show what we have done versus statistical changes and community indicators. Many areas identified for improving community statistics don't happen overnight (the changes don't happen overnight). For example, community health focused on childhood obesity, which is something that cannot be changed overnight. She asked Council to understand that the quarterly reports will show steps we are taking versus results; however, the ultimate goal is to measure results on an annual basis to see how our community indicators are improving over time through our collective efforts.

Vice Mayor Wallace commented that he believes the community expects us to get things done quickly and decisively; and therefore, he would like to see us decide what we would like to see done within the next six to eighteen months. He suggested that information be posted in the Lawson Conference Room so that Council can see it regularly and encourage them to be sensitive to the materialization on how well we are doing what we are supposed to be doing.

Councilman Stuart stated some Councilmembers attended a ribbon cutting ceremony on Ivy Home Road for a building which will change that neighborhood and add a benefit to it. He agreed with Vice Mayor Wallace's comments and stated we need to figure out which direction we want to run in and start running.

PRESENTED by Terry P. O'Neill, Director of Community Development.

### 3. 12-0278 Briefing on Animal Control - Tethering

Ms. Bunting introduced the item. The most recent conversation Council had regarding the tethering issue resulted in Council asking staff to evaluate what other cities have done as it relates to implementation. Anytime a change is made to an ordinance, it is necessary to consider how to best implement it and whether or not there are any best practices that can be discerned from other communities and/or professional groups. Assistant City Manager James Gray and Senior Deputy City Attorney Lesa Yeatts have been working in consultation with the Animal Control Committee to consider the questions posed by Council. Assistant City Manager Gray then updated Council on what was learned and the recommendation.

Mr. Gray greeted Mayor Ward, the Councilmembers, the City Manager and the City Attorney. He stated the evening agenda includes an amendment to Chapter 5 of the City Code pertaining to amending requirements regarding tethering animals, and that a permit costing \$25 is now required. He added if tethering is not done with a permit, it may also be done in the presence of a responsible person who is 16 years of age or

older. He stated he would explain the permitting process and update Council on the current recommendation. A copy of the presentation is attached to the minutes.

Mr. Gray thanked the members of the Animal Control Advisory Committee for spending many hours discussing tethering in meetings and with their friends, relatives and animal advocates in our community. He added there were many spirited discussions regarding tethering and what can be done to deal with the problems associated with tethering while allowing responsible pet owners to tether dogs in their yards when needed.

Mr. Gray reviewed the amended Ordinance as shown on slides 3 and 4 of the presentation which states tethering is unlawful within the City of Hampton with the two exceptions listed on slide 3 of the presentation. He then stated the second exception which states "pursuant to applying for and obtaining a permit which allows unsupervised tethering between sunrise to sunset" was added because many citizens with animals have a need to tether their animals outside while they work and would be allowed to do so with a permit which requires an Animal Control Officer's inspection and presentation of educational material to ensure it was done correctly.

Mr. Gray then reviewed slide 4 of the presentation which lists the things we hope the amended Ordinance will accomplish.

In response to Vice Mayor Wallace, Mr. Gray defined tethering as the tying of an animal to an item such as a tree, fence or post with a device such as a rope or chain. Vice Mayor Wallace added this prohibits the animal from moving freely and unencumbered. Mr. Gray agreed and added our current Code provides requirements for how the animal is tethered, the length of the device and that the animal be provided with adequate food, water and shelter. Mr. Gray added tethering usually limits the animals movement to a specified area within the yard and it is the owner's choice how they do that.

Mr. Gray reviewed the permit option and the permitting process described on slides 5 and 6 of the presentation. He noted that Animal Control Officers will be equipped with a list of all permits issued and will do routine inspections to ensure tethering is being done in accordance with the requirements and guidelines of the issued permits. He then reviewed slide 7 of the presentation regarding other options pet owners have if they choose not to tether their animal and/or obtain a permit and the costs associated with those options.

Mr. Gray concluded his presentation and reviewed the next steps and recommendations stating we recommend the tethering permit and new amended Ordinance go into effect January 1, 2013 in order to give citizens time to make decisions on how to handle dogs that may currently be tethered in their yards, to engage our community with a public awareness campaign ensuring everyone is aware of the new requirements and to provide additional information needed so the citizens can keep their dogs appropriately tethered or in a new location.

Councilman Hobbs asked what the penalty is for a citizen who gets caught tethering their animal without a permit. Mr. Gray replied the penalty is a Class 4 misdemeanor and an Animal Control Officer may write a summons for not having the permit or having a dog tethered without a permit. City Attorney Hudson added a Class 4 misdemeanor is the lowest level of a misdemeanor and carries the maximum fine of \$250 which is the extent of the punishment under the Ordinance.

In response to Councilman Hobbs, Mr. Gray stated a citizen may be cited as many times as they are in violation. Ms. Yeatts added each day would be a different violation presuming the citizen put the dog out an additional time. Councilman Hobbs then asked if this means violations could occur 365 times a year if the citizen chooses to keep their dog tethered the wrong way. Ms. Yeatts agreed that could occur. Ms. Hudson then added when there are repetitive violations; there is also the option of going to court on the charge that the citizen is continuing to ignore the law which has a separate enforcement mechanism of its own.

Councilwoman Snead referenced slide 5 of the presentation regarding the purpose of the permit and asked if a citizen cannot keep their pet inside from sun up to sun down, what should the citizen do with their pets from sundown to sunup?

Mr. Gray explained the purpose of the amended Ordinance is to eliminate tethering. We believe tethering animals 24/7 creates aggressiveness; however there are some people who have to tether their animals. For example, if a citizen exercises the option to keep a dog in a pen, there may be times when the dog needs to roam freely for exercise. Ideally, citizens will not tether a dog 24/7 because the law will no longer allow that; however, in the daytime, a dog may be tethered if needed during work hours. He reiterated if this Ordinance is passed, citizens will not be allowed to tether dogs 24/7; therefore, those with dogs who do not stay inside will have to acquire some type of pen.

Ms. Bunting added one of the main examples expressed refers to people who have to work and are not comfortable with leaving their dogs unattended inside; however, when they arrive home, they bring the dog inside overnight.

Mayor Ward added we have to keep in mind those who work the night shift. She then expressed concern about creating a level of bureaucracy which involves more expense and difficulty for taxpayers, citizens and the City. She explained this will be another license we have to issue, monitor and enforce with minimally staffed departments. She also expressed concern regarding the age 16 requirement because current law states if you are 8 years old, you can walk down the street with your dog as long as it is under voice command, but if you are 15 in your front yard with your dog on a leash attached to the handle of your bike, you have committed a misdemeanor. She said in her opinion, the laws are not consistent and the voice command law should stay as it is, and the age 16 portion on tethering appears to be arbitrary.

Mr. Gray explained the Animal Control Advisory Committee wanted to eliminate tethering altogether, and therefore, we looked for options for citizens to be able to tether their animals, and thought that providing a responsible person where the dog was being tethered was one option. We determined 16 was a responsible age to tether a dog.

Mayor Ward clarified that in Hampton, it is legal for you not to be in your yard as long as the dog is under voice command.

Ms. Hudson explained that the aims of those two laws are different in terms of who is present with the dog. She explained in the tethering situation, you are trying to up the ante in terms of who is with the dog because it is tied to someone who has the judgment, wherewithal and reason to care for the dog; whereas, when a dog is on a leash or just



being walked, you can give it a voice command and this is why she believes there is no age specification in that ordinance.

Mayor Ward stated she understood that; however, her point is it is legal to walk down the street with a dog under voice command, but the law we are being asked to pass says if you are 15 and have your dog tethered in the yard, that is a misdemeanor. Mr. Gray concurred.

Councilman Hobbs asked if there are any statistics regarding how many animals are tethered in the City of Hampton. Mr. Gray replied there are none and stated Animal Control handles complaints regarding animal cruelty including tethering, but we cannot say that there are a significant number of complaints where tethering has taken place when Animal Control arrives to investigate the complaint. He said it is important to keep in mind that People for the Ethical Treatment of Animals (PETA) has stated that tethering is related to aggressiveness which can also be related to dog attacks, but we do not have specific documentation on how many animals are tethered.

Councilwoman Snead asked if it is legal for someone to leave their animal outside from sunrise to sunset during a bad weather event like we recently experienced. Mr. Gray stated our current Ordinance requires the owner provide adequate food, water and shelter; and therefore, leaving a dog out in hot weather, rain or snow without proper shelter would be a violation of our current Ordinance.

Ms. Bunting added there are examples of animals that are in those conditions without being tethered; this does not give us the ability to regulate that. She clarified this only deals with animals that are being tethered. She continued stating if an animal is in a fenced yard, as long as they have shelter, food and water, we do not have any regulatory ability around that, short of if the animal is being neglected. She clarified for the benefit of the public that Animal Control has always had the legal ability to address animals that are neglected or maltreated; there are other provisions that enable them to deal with those situations. She noted we cannot inspect a property without a complaint; however, when matters are brought to our attention, we try to actively address the issue as our community has long been committed to fair treatment of animals.

Vice Mayor Wallace asked what an authorized, legal, acceptable tethering device is.

Police Captain Susan Canny assigned to Animal Control stated currently under State guidelines and the City Code, a tethering chain or rope has to be of a reasonable weight. For example, a five pound dog is not allowed to be on a fifteen pound chain. She continued listing additional guidelines. The chain has to be three times the length of the dog from the nose to the tip of the tail; the animal can be tethered to any fixed object; when tethered, the animal must be able to reach shelter, water and food and have a clean, safe place to lay down not encumbered by feces or anything to that affect.

Councilman Tuck noted citizens who spoke about tethering in the past were passionate about eliminating it. He expressed concern that this policy may not go far enough and stated if the purpose is to eliminate 24/7 tethering, the owner may be able to inform you that the dog does get off the chain at some point even though Animal Control may not be around to witness it. He said it seems as though we have created something we cannot monitor and only puts \$25 in our pockets because for a \$25 fee, citizens can keep the dog outside from sunrise to sunset; however, Animal Control cannot go into someone's

yard unless there is a complaint. He said he is not certain if this goes far enough as far as saying we can verify that a person is not keeping a dog tethered 24/7.

Mr. Gray clarified that the issue that needed to be addressed was dogs who permanently exist in back yards tethered with ropes and chains that don't provide adequate space. The amendment is designed to create a level of protection for those animals so that they are no longer allowed to live under those types of conditions. The permit gives the Animal Control Officer the authority to inspect and have contact with the animal owner to educate them on how to properly care for the dog. The permit gives us some knowledge of who is tethering their dogs so that we can inspect the site to ensure it is being done correctly. He noted most people who will get the permit will be responsible pet owners who want to do this correctly.

Ms. Bunting commented that from an enforcement standpoint, it does not matter what time of day tethering takes place; if you do not have a permit and are not in physical presence, you are in violation. If you have the permit, you are only permitted to tether from sunrise to sunset; tethering outside of those hours, is in violation even if you have a permit. She said this makes enforcement much easier than other suggested compromises such as allowing tethering for a limited number of hours because we would physically have to observe those limited number of hours. This was a way to gear enforcement which wouldn't require more officers. She explained the fee was designed to offset the special education session so that general taxpayers were not covering the cost.

Vice Mayor Wallace commented that we have reached the conclusion that tethering is not humane and there are some responsible owners who work, but also have animals. Therefore, the question becomes how to accommodate those individuals. He said to him the \$25 permit seems to be a responsible compromise to deal with the inhumanity of tethering while accommodating the needs of those individuals who are responsible, allowing us to monitor the situation in some context. He said we cannot expect to accommodate and enforce everything all of the time, just like speeders on the road.

PRESENTED by James Gray, Assistant City Manager. Lesa Yeatts, Senior Deputy City Attorney and Susan Canny, Director of Animal Control, were also present and responded to questions.

#### 4. 12-0255 Briefing on the Status of Ft. Monroe

Ms. Bunting reported the YMCA subleased the community center building in order to run a regional summer day camp program from June 18th to August 17th. She expressed excitement about the program because it gives not only Hampton children the opportunity to experience Fort Monroe, but also other YMCA campers from throughout the region to experience Fort Monroe and share their experience with their family and friends to encourage them to visit Fort Monroe.

Ms. Bunting stated we had previously reported that the Fort Monroe Authority (FMA) worked with the National Park Service on the appropriate use of the Bay Breeze Community Center and decided to do a short-term lease; it has been leased to Baxters. The intention was for it to be open sooner; however, are now aiming for a soft open in mid-July with hopes to actively open shortly thereafter. The band Slapwater is scheduled to perform there on July 20th. She noted this will be a fee participation

opportunity just as the Bay Breeze previously had and will shortly be available for public enjoyment.

Ms. Bunting reported that the National Park Service has added a new member to the Fort Monroe National Monument staff. Ms. Eola Dance is the Fort Monroe National Monument Chief of Visitor Services and Resource Management. Ms. Dance is originally from Hampton; was born on Langely Air Force Base and graduated from Kecoughtan High School. She said it is exciting to have someone who understands the history of both Fort Monroe and our now 402 year old community.

Ms. Bunting reported the public can still provide input on the Fort Monroe planning via the National Park Service website as well as the National Park Service by calling 722-FORT.

Ms. Bunting reported that the Army Caretaker Team continues to prepare facilities for the transfer to the Commonwealth. We do not have a firm date on the transfer because there are many things in play with that transfer and there are various parcels some of which may transfer earlier than others. She said she cannot provide an exact transfer date; however, has been told that some of the property may transfer late this summer or early fall.

Ms. Bunting reported the Master Planning consultant Sasaki is scheduled to provide a working presentation update to the FMA Board and the FMA Planning Advisory Group at the July 26th FMA Board meeting. That meeting will be held in Building 75 at 1:00 p.m. and is open to the public as all board meetings are. She noted the public may continue to input via the FMA website if they have any comments regarding the Master Plan.

Ms. Bunting reported that the Wherry Housing Unit has been largely vacated. As soon as the vacation is completed, the process of demolishing those housing units determined to be unsuitable for long-term use will begin.

Ms. Bunting reported that the FMA has leased Building 75, also known as the Butler Building, to the Virginia State Police. We are expecting the Virginia State Police will occupy the building in early September.

Councilwoman Snead noted when she and some of her fellow members of Council were on the campaign trail, one of the major concerns was about the Wherry Quarters and the type of development that would go there. She explained there is a lot of concern from our citizens that we are going to support something that will exclude them from the historical spot. She suggested Council take a position on what we as a body and/or the City will support or what we think ought to happen with the Wherry Quarters, even though we have no control collectively over what happens.

Mayor Ward agreed with Councilwoman Snead's suggestion and stated it should be done in a positive way. She noted with the National Park Service initiative, we were able to get Council to pass a resolution which enabled the City Manager and staff to have clear direction regarding where we stood as a body. She said it is always good to have clear direction from your peers, particularly when it involves something significant. She said she would like to see the Wherry Quarters remain as green as possible and she believes it is important for there to be a corridor between the National Park Service Unit within the moat and the northern beach area. That is what was envisioned when we

were negotiating with the National Park Service. We talked about designating a corridor, but that became impractical because we did not know what the future held and had not begun the Master Planning process. She said it would be valuable to weigh in as a body to give those on the FMA and the City Manager and staff an idea as to where we are coming from.

Ms. Bunting stated she has been clear on the prior Council's consensus even if some people on the campaign trail were not. She said if she were to draft a resolution she would have included wording stating we wanted to be supportive and complementary to the National Park Service mission, goals and objectives. It would also state we prefer limited development; and the only type of development we have ever talked seriously about was anything that would be supportive of that National Park Service mission to include tourism, recreation and open space types of facilities. To say no development would limit tourism, recreation and open space facilities. This is what staff has understood direction from the past Council to be. The way we previously made it clear for all was for staff to propose a resolution for Council to react to, and assuming they were comfortable with it, then adopt it.

Vice Mayor Wallace said he was unclear about the "green" terminology. Mayor Ward noted she would explain that to him later. Vice Mayor Wallace continued stating there is a width of the corridor from the waterfront shoreline all the way to the side of the road which is a wide strip. He said he would like for this to be more definitive before he says he is steadfastly here or there; however, he is open to discussion.

Mayor Ward noted she did not believe Councilwoman Snead was suggesting specifics; instead, she was saying in general we would like to be sensitive to the National Park Service regarding the fact that this is a historical site, etc. She noted the problem with designating a corridor from the beginning was we did not know where to designate it on the map, so we didn't.

Councilwoman Snead noted it is very important to look at sustainability. She clarified she was not saying that we do nothing because we all understand and the citizens understand that we have to generate revenue to support the effort.

Councilman Stuart said it is State property and the FMA is in existence, but we need to get to a point where the natural state of affairs is for them to inquire about what Hampton thinks and what Hampton's feedback is. If we keep going in a productive relationship, we want to make sure our voice is heard and those resolutions will need to continue. He said he does not want to be shy about what we feel is in the best interest of Hampton as it pertains to Fort Monroe.

Ms. Bunting added residents at Fort Monroe are your constituents and Fort Monroe is part of the jurisdictional boundaries of Hampton. It is unique because of its current Federal ownership and ultimate State ownership, but the State Code is clear that it is within our jurisdictional boundaries and that Council makes up the elected body for residents and businesses who choose to live and invest at Fort Monroe; and therefore, we are intertwined in that relationship.

Councilman Moffett stated he supported the idea of a resolution as proposed by Councilwoman Snead. He stated statements were made during the campaign regarding the City of Hampton having plans to build condominiums where the Wherry Quarters are

currently located; and therefore, he feels it is important that we are clear about what we are for and a resolution would outline that. He said in his opinion, we should be very clear that we support our constituents and that Hampton has not taken a position that has been previously reported.

In response to Vice Mayor Wallace's inquiry about where to go from here, Mayor Ward suggested staff draft a resolution for Council to review and discuss.

Ms. Bunting noted we will work on what today's conversation reflects and Council can modify it as they see fit.

PRESENTED by Mary Bunting, City Manager. Councilwoman Snead brought up an issue she heard repeatedly while campaigning concerning the future of the Wherry Quarter. She suggested that it might be appropriate for the City Council to adopt a resolution setting forth perhaps the types of uses they would consider appropriate for that area.

## **THERE WERE NO REGIONAL ISSUES DISCUSSED**

### **NEW BUSINESS**

Councilman Tuck referenced an article in yesterday's newspaper regarding a recent shooting in Hampton. He explained the article mentioned the following facts: there are only 74 stun guns in Hampton, yet we have 277 police officers, some stun guns are used on a rotational basis, and stun gun training costs \$50 per year per officer. He noted we do not look at a line by line budget per department and only look at a composite budget, and then approve money for the entire budget, and asked if the Police Department had made requests regarding equipment needs or training that we have not provided sufficient dollars for.

Ms. Bunting replied all departments including the Police Department put forward requests for operating and capital funding as part of the budget process/Capital Improvement Plan (CIP). For example, major investments in technology in the past when we actively added in-car cameras came through the capital budget process. This year, as part of the capital budget and CIP process, we allocated funding for police equipment. She said she would have to check into whether or not there were specific requests regarding tasers. She noted that following the recent shooting event, several Councilmembers asked her to find out how many tasers we have and to determine whether or not it is ideal for everyone to have a taser. She further noted that she has asked the Police Chief and Assistant City Manager Gray to prepare a report on that topic to be brought to Council at a later date. She added that we did fund additional police equipment in the capital budget this year.

Vice Mayor Wallace requested that the report include information about how we compared to other localities in the State in that category.

Ms. Bunting agreed with Vice Mayor Wallace's request and added there are many things every department would like to have, but we are trying to live in an era of fiscal restraint. She continued stating we never want to compromise on the safety of our employees or the public, but there is always more you can make an investment in. The departments

have been judicious in understanding when they made requests to ask for what they absolutely need as opposed to what they want. She stated we would like to be able to give all departments more manning, but we have been able to get by without it. Those kinds of questions come into play such as is it ideal for everyone to have something versus whether it is operationally necessary. Those choices have had to be made across the board regarding funding, particularly when we are in an era of losing revenue and not raising revenue to compensate for it. She noted Councilman Moffett and Vice Mayor Wallace had requested further information; and therefore, she had already requested the report and will provide it to Council when it is completed.

#### **CLOSED MEETING**

5. 12-0256 Closed Session as provided in Virginia Code Section 2.2-3711.A.1 to discuss a personnel matter involving certain benefits for an identifiable group of employees.

#### **APPROVED**

**Motion made by:** Vice Mayor George E. Wallace

**Seconded by:** Councilmember Chris Snead

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

- . 12-0139 to consider appointments to the Hampton-Newport News Community Services Board

#### **NO ACTION REQUIRED**

- . 12-0155 to consider appointments to the Board of Review of Real Estate Assessments

#### **NO ACTION REQUIRED**

6. 12-0257 Resolution Certifying Closed Session

**WHEREAS**, the City Council of the City of Hampton, Virginia, has convened a closed session on this date pursuant to an affirmative recorded vote made in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712D of the Code of Virginia requires a certification by the City Council of the City of Hampton, Virginia, that such closed meeting was conducted in conformity with Virginia Law;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton, Virginia, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion

convening the closed meeting were heard, discussed, or considered by the city council of the city of Hampton, Virginia.

**ADOPTED**

**Motion made by:** W. H. "Billy" Hobbs, Jr.,

**Seconded by:** Councilmember Chris Snead

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

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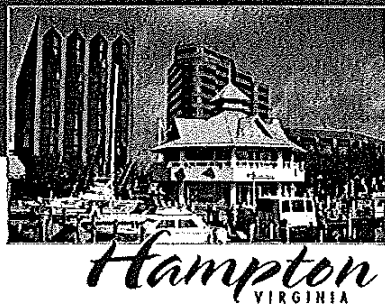
Molly Joseph Ward  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_

## Update on Strategic Plan Implementation



City Council  
Afternoon Work Session  
July 11, 2012

## Purpose

The purpose of this presentation is to update Council on the process for, and actions take to date regarding, implementation of the Strategic Plan components of the Community Plan.

Animal Control  
Slide 2



## Strategic Plan Implementation

- ✦ Is the responsibility of the entire community
- ✦ This is not a government strategic plan – it is a community strategic plan
- ✦ Government is not, and should not be, the sole solution provider
- ✦ Government can be a convener of the many parties who can make the goals of the Plan a reality
- ✦ Government can also ensure timely reporting to the community

Animal Control  
Slide 3

## The Convening Role

- ✦ Each strategic issue is assigned to one or more ACMs/Department Heads for leadership responsibility
- ✦ The ACMs/Department Heads facilitate working groups comprised of the relevant stakeholders for each issue area
  - ✦ Example: Community Health requires the participation of not only the Public Health Department but also private physicians, hospital systems, non-profit organizations and individual citizens
- ✦ Each working group advances strategies as time, resources and other precursors permit

Department Name/Date

Subject

Animal Control  
Slide 4

## The Reporting Role

- ✦ Tracking progress is critical
- ✦ While changes will not occur overnight, it is important that the community knows what actions are being taken as interim steps
- ✦ Quarterly reports will update the Council and community
- ✦ The ACMs/Departments Heads assigned to each issue area will ensure that actions and results are reported on a timely basis

Animal Control  
Slide 5

## Oversight Committee

- ✦ City Management will convene an oversight committee made of up citizen, business and non-profit representation to oversee the process
- ✦ The oversight group will be comprised of 2 members, and 1 alternate, from each of the Strategic Plan Issue groups
- ✦ The Oversight Group will develop the formatting for reporting, track individual group progress and make reports to the Council & Community as appropriate

Animal Control  
Slide 6

## Oversight Committee

- ✦ The Oversight Group will also be charged with assisting in identifying other community partners, assets and resources
- ✦ Members were selected from those who participated in the Strategic Plan development
  - ✦ Key Factors in selection included: active interest/participation during development of the Plan; diversity of overall Oversight Committee; representation of non-government stakeholders who will need to participate actively in implementation; representation from key Boards & Commissions such as the Neighborhood Commission

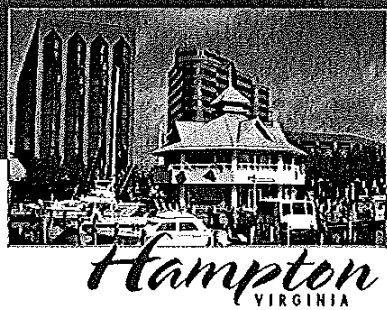
Animal Control  
Slide 7

## Next Steps

- ✦ The Oversight Committee will be convened in July, 2012
- ✦ The first quarterly report will be given to Council in October, 2012 (for the period covering July 1, 2012 – September 30, 2012)
- ✦ Reports will be sent to Council/stakeholders/interested parties as well as posted on the Internet and publicized through Round Robin on Channel 47

Animal Control  
Slide 8

## Briefing on Recommended Changes to Animal Control Ordinance



July 11, 2012  
Animal Control

### Purpose

The purpose of this presentation is for Council to receive a briefing and recommendations on the City Code pertaining to tethering of animals.

Animal Control  
Slide 2

## New Recommendation

- ✦ Tethering unlawful within the City of Hampton, with two exceptions;
  - ✦ supervised tethering by a responsible person, who is physically present,
  - ✦ pursuant to applying for and obtaining a permit which allows unsupervised tethering between sunrise to sunset.

Animal Control  
Slide 3

## Amended Ordinance

- ✦ Eliminates 24/7 tethering
- ✦ Provides for limited tethering under conditions which protect the animal
- ✦ Addresses enforcement concerns
- ✦ Addresses concerns of aggression - linked to 24/7 tethering
- ✦ Permits Animal Control Officers to inspect for compliance

Animal Control  
Slide 4

## Permit Option

- ✦ Allows responsible pet owners, who cannot keep their animals inside and whose pets are difficult to maintain within in a fence (jumpers or diggers), to keep their animals
- ✦ Permit comes with conditions such as:
  - ✦ Educational session with Animal Control Officer
  - ✦ Specific requirements such as an appropriate shelter; food/water accessibility and a restraint/pulley system to allow for movement of the animal
  - ✦ Random inspections by an Animal Control Officer to ensure proper care of the pet

Animal Control  
Slide 5

## Permitting Process

- ✦ Application and instructions available from:
  - Animal Control Office
  - Animal Control Web Site
  - City Treasurer's Office
- ✦ Application and fee submitted to City Treasurer's Office.
- ✦ Animal Control Site Inspection within 10 days
- ✦ Permit issued by Animal Control Office.

Animal Control  
Slide 6

## Options for Dog Owners

- ✦ Dog kept inside home.
  - No Cost
- ✦ Doggy daycare at local vet or kennel.
  - \$9.00 – \$12.00 per day
- ✦ Dog kept inside home in crate.
  - \$35.00 – \$200.00 depending on type of crate and size
- ✦ Outside dog kennel or run.
  - \$150.00 + depending on type and size
- ✦ Fencing for yard.

Animal Control  
Slide 7

## Next Steps

- ✦ Permit Required Effective January 1, 2013.
- ✦ Public Awareness Campaign.

Animal Control  
Slide 8